IN THE HIGH COURT OF JUDICATURE AT BOMBAY

Appellate Side

Review Petition St No.32252 of 2004
with C.A No.732 of 2005
in
Writ Petition No.587l of l995

State of Mah and ors.....Petitioner
vs
Dattatraua W Mhaske and ors....Respondents

Mr R.M.Patil AGP for petitioners

Mr V.V.Pai for respondent no.l

CORAM: A.P.SHAH & S.U.KAMDAR JJ.

Dated 29.3.2005

P.C:
Heard parties.

. By this review petition the State Government is seeking to review our order dated l3.7.2004. By this order it was held that the respondent having acquired qualification of STC in l962 and B.A in l974 and having completed l0 years of service in l972 itself, by virtue of administrative circular dated 5.2.l988, he is entitled to revised payscale of Rs.2000- 3200. The learned AGP however, pointed out that the administrative circular is applicable to teachers of secondary schools and not to teachers working in junior colleges. In any event by virtue of the said circular the teachers possessing qualification of BA and STC have been

included in "C" category only for the purpose of seniority and are not entitled to claim payscale of qualified teachers. We have gone through the said circular and it is clearly seen that the said circular is made applicable only to teachers of secondary schools. There is nothing in the said circular to suggest that it is also applicable to the teaches working in junior colleges. It appears that on the basis of our order similarly situated teachers are also approaching the authorities for getting such benefits and this may lead to serious financial implications.

2. Mr Pai Pai leaned counsel appearing for the respondent relied upon the provisions of the MEPS Rules in order to claim parity between the teachers working in secondary school and junior colleges. This aspect was not considered by us and the relief was granted in the writ petition on the basis that the circular dated 5.2.l988 is extended to the teachers working in junior colleges.

. Review petition is allowed. The order dated l3.7.2004 is set aside and the petition is restored to file. Office is directed to place the petition before appropriate Bench for hearing and disposal.

. All contentions on merits are left open to the parties.